

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT S. JACKSON,

Plaintiff,

v.

O'REILLY AUTOMOTIVE STORES,
INC.,

Defendant.

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3:12-cv-01215

District Judge Aleta A. Trauger

Magistrate Judge Juliet Griffin

JURY DEMAND

PROPOSED CASE MANAGEMENT ORDER

A. **Jurisdiction:** The Court has jurisdiction of this matter under 28 U.S.C. § 1331 and the Americans with Disabilities Act (as amended) (ADAAA), 42 U.S.C § 12101 *et seq.*.

B. **Brief Theories of the Parties:**

(a) **Plaintiffs' Theory:**

Defendant violated the Americans with Disabilities Act ("ADA") by terminating Plaintiff because of or due to his disability. Defendant additionally violated the ADA by failing to accommodate Plaintiff and by failing to engage in the interactive process. Defendant retaliated against Plaintiff in violation of the ADA by terminating him after he requested a reasonable accommodation.

(b) **Defendant's Theory:**

Defendant generally denies all allegations contained in Plaintiff's Complaint and denies that it discriminated or retaliated against Plaintiff in any way whatsoever. Defendant further states that it engaged in the interactive process and that it provided a legitimate non-discriminatory reason for Plaintiff's dismissal from his employment.

- C. **Issues Resolved:** Jurisdiction and venue.
- D. **Issues Still In Disput:** Liability and damages.
- E. **Initial Disclosures:** All parties must make their Rule 26(a)(1) Initial Disclosures within thirty days after the Initial Case Management Conference, or by February 14, 2013.
- F. **Discovery:** *The parties propose the following discovery schedule.* All discovery shall be completed by October 15, 2013. Discovery is not stayed during dispositive motions, unless ordered by the court. Local Rule 33.01(b) is expanded to allow 40 interrogatories, including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Trauger.
- G. **Motions To Amend:** The Parties shall file all motions to amend on or before July 15, 2013.
- H. **Joint Mediation Report:** The Parties shall file a Joint Mediation Report on or before October 2, 2013.
- I. **Dispositive Motions:** The Parties shall file all dispositive motions on or before Dec. 15, ~~October 30~~, 2013. Responses to dispositive motions shall be filed within twenty (20) days after the filing of the motion. Optional replies may be filed within ten (10) days after the filing of the response. All dispositive motions shall be filed by October 30, 2013. Briefs shall not exceed 20 pages. No motion for **partial** summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

J. **Electronic Discovery:** The Parties discussed electronic discovery and do not anticipate that extensive electronic discovery will be necessary. Thus, the Parties intend to treat electronic discovery as they would other discovery matters and productions of the same will be in hard copy format. The Parties opt out of the requirements contained in Administrative Order 174. Should the parties encounter problems regarding electronic discovery, they agree to jointly move the Court for a secondary case management conference. The parties recognize that any such conference might require a delay or postponement of the instant scheduling order.

K. **Estimated Trial Time.** The Parties anticipate trial to take three (3) days.

It is so **Ordered**.



ALETA A. TRAUGER
U.S. DISTRICT JUDGE

APPROVED FOR ENTRY:

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